

a second firm plate (24) is secured to said magnetic member (20) on the side opposite from said armature member (22), said armature member and said second firm plate each being of a like dimension and greater than the dimension of said magnetic member, to overlap and provide a fulcrum (44) between said armature member and said second firm plate, and

a second flexible film paper-guide (29) covering an inner side of said magnetic member (20), and being wrapped over and covering at least a portion of an outer side of said second firm plate (24).

Claim 32. (New) A magnetic bookmark releasably securable to a selected position on a page, comprising two discrete planar facing magnetic members with each of said two magnetic members having opposite polarities thereby enabling both said facing magnetic members to become magnetically attached to each other along said planar facing magnetic surfaces, and means for allowing said facing members to pivotably separate at one side in response to application of a squeezing force at the opposite side of said members,

a beveled edge (60) on at least one side of either of said attached magnetic members.

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#### REMARKS—General

By the above amendment, Applicant has amended the title to emphasize the novelty of the invention.

Also Applicant has rewritten many of the claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over the prior art.

#### The Objection To The Claims Rejections Under § 112

Claims 4-7 and 11-15 were rejected to under 35 U.S.C. 112 since it was noted that said claims were indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant requests reconsideration and withdrawal of this objection since Applicant's new claims 18 through 32 point out that the invention is a **magnetic bookmark which can be releasably secured to a selected position on a page**. Claim 31 points out that said magnetic bookmark can also **be releasably secured to a selected position on one sheet or on multiple successive sheets of paper**. Claim 32 points out that said magnetic bookmark can also **be comprised of two discrete planar facing magnetic members with each of said two magnetic members having opposite polarities thereby enabling both said facing magnetic members to become magnetically attached to each other along said planar facing magnetic surfaces**. All claims, 18 through 32, now

clearly show that said invention is an indicating place holder type of bookmark and what elements went into its construction. Applicant's Specification shows that said invention is often used as a bookmark.

### **The Objections To The Claims Rejections Under § 102**

Claims 1, 3, and 6 stand rejected because they are anticipated by Wheatley (US 2693370). Claims as amended overcome this objection because the Wheatley invention having as its intended purpose to be a holder for paper is too large to be used as an indicating place holder or as a bookmark. The sheer bulk of Wheatley's paper holder would eventually warp the sheets in whichever book it were inserted.

Applicant's rewritten or new Claims 18 through 32 define a structure that can be of a small enough size so as to readily serve as a bookmark without damaging the sheet of paper to which one of them may be attached. The elements of Applicant's invention are directed towards a bookmark and not towards a large paper holder. Applicant's invention serves a different purpose than the cited art. The elements of Applicant's invention are easier to fabricate and assemble than are the elements of Wheatley's invention. Hence, the Applicant's invention could be sold at a lower unit price than that of the Wheatley invention.

Claims 1, 2, 7, and 8 stand rejected because they are anticipated by Japanese publication (2000-343864). Claims as amended overcome these rejections because the Japanese publication (2000-343864) invention having as its intended purpose to be a holder for documents is too large to be used as an indicating place holder much less as a bookmark. The hefty bulk of 2000-343864's paper holder would eventually warp the sheets in a book. Applicant's rewritten or new Claims 18 through 32 define a structure that can be of a small enough size so as to readily serve as a bookmark without damaging the sheet of paper to which one of them may be attached. The elements of Applicant's invention are directed towards a bookmark and not towards a holder for documents. Applicant's invention serves a different purpose than the cited art.

### **The Objections To The Claims Rejections Under § 103**

Claims 1, and 2 stand rejected as being unpatentable over Amann (US 3577583) in view of Wheatley (US 2693370). Claims as amended overcome these rejections because the Amann (US 3577583) invention having as its intended purpose to be a clamp for holding sheet material is too large to be used as an indicating placeholder or a bookmark. The elements of Applicant's invention are directed towards a bookmark and not towards a clamp that holds sheet material. Applicant's rewritten or new Claims 18 through 32 define a structure that can be of a small enough size so as to readily serve as a bookmark without damaging the sheet of paper to which one of them may be attached. Applicant's invention serves a different purpose than the cited art. Applicant's submitted Fig 13A life size drawing illustrates

an actual miniaturized magnetic bookmark. Applicant has attached several of said small magnetic bookmarks to several pages in a book for a long period of time without warping or wrinkling said book's pages. This concept taught in Claim 19 and as illustrated in Figs 13A, 13B and 13C are 23/32" in length by 3/8" in width, by 1/10" in thickness as can be seen in the enclosed actual life size sample of Claim 19 submitted along with this Amendment. The thickness dimension of the enclosed sample could be further reduced by using a thinner magnet which is readily available commercially. Another miniaturized magnetic bookmark can be seen in the enclosed actual life size sample of Claim 18 and illustrated in Figs 14A through 14E. The intensity of the magnetic reach out of all of the structures of Applicant's claims can readily be regulated by a skilled designer. Applicant's bookmark is simply easier to operate than any prior art. Amann's invention requires complex fabrication procedures which could never compete economically with the simple fabrication procedures required by Applicant's invention.

Claims 9 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese publication 2000-343864 in view of Japanese publication (2000-62372). Claims as amended overcome these rejections because the Japanese publication (2000-62372) invention having as its intended purpose to be a clamp for holding sheet material is too large to be used as an indicating placeholder or a bookmark. The elements of Applicant's invention are directed towards a bookmark and not towards a clamp that holds sheet material. Applicant's rewritten or new Claims 18 through 32 define a structure that can be of a small enough size so as to readily serve as a bookmark without damaging the sheet of paper to which one of them may be attached. Applicant's invention serves a different purpose than the cited art. The essential bulk of 2000—62372's clamp would eventually warp the sheets in a book. Furthermore, Applicant's use of a circular geometry is not to teach a conventional circular geometry design but rather to create a bookmark with a fulcrum that can be invoked by squeezing at any opposing points on the circular second firm plate (24) and the circular armature member (22) that overlaps said circular magnetic member (20) so as to cause the juxtaposed members to pivotably separate at the opposite side. By using circular construction elements Applicant creates an infinite number of potential random fulcrum points on the edge of the circular magnetic member (20) thereby encouraging the operator to use a multiplicity of fulcrums during operations of the bookmark thereby minimizing the wear and tear on any particular section of said magnetic plate and resulting in a longer lasting edge on the magnetic plate which means the device will last longer. This is truly a case where a circular structure creates valuable fulcrum functions and where the circular design does not detract from the uniqueness of the bookmark. Applicant's circular design is purely functional and was not intended to be decorative or fanciful. Publication 2000—62372's "Press" signage on its invention clearly encourages the operator to

focus the pressure on the magnet used in his invention at one particular point on the magnet's circular edge during the pivoting movement. Such concentrated force on one section of a circular magnet will cause early wear and tear on the circular magnet's edge shown in the invention's drawing thereby requiring adjustment of the magnet's positioning or a discarding of the entire device if such adjusting is proven to be too costly.

New independent claim 32 discloses a variation of the structure of main claim 18 by reciting two opposing planar magnets in the structure. This is considered to be within the scope of the invention described in the specification as originally filed. See page 13, line 16 of Applicant's 23Oct01 filing: "All of my embodiments, including this preferred embodiment, can be fabricated so that an armature member (22) lever constructed of a firm magnetic member lever with oppositely polarized magnetic domains to that of the magnetic domains of the magnetic member (20) lever can be substituted for the ferric armature member (22) lever specified in my main embodiment." Applicant took it for granted at the time of the original filing that a "firm magnetic member lever with oppositely polarized magnetic domains to that of the magnetic domains of the magnetic member (20) lever" would by definition be considered to be a "ferric armature member" since the types of magnets mentioned in the specification contain a significant amount of iron in them so they can be called a ferric object. Page 13, line 23: "The flexible permanent magnet contains oriented barium ferrite material contained in a vulcanized nitrile rubber binder". Hence, at the time of the original filing Applicant did not think it necessary to claim a bookmark with opposing elements made of opposing magnetic polarities because Applicant considered a firm magnetic member functioning as a ferric armature member (22) to be obviously implied in one's understanding of the "ferric armature member" structure. Applicant still considers this to be true but has included an independent claim 32 to clearly define the structures one can utilize to create a pivoting bookmark out of two discrete planar facing magnetic members with opposing polarities.

The rejection of claim 16 is noted and Applicant has withdrawn claim 16.

All of Examiner's references that were relied upon or considered to be pertinent are now considered to be irrelevant to a bookmark since their structures are too large to be used as a magnetic bookmark in a book. Applicant offers that his revised set of claims renders all the original objections stated by the Examiner to be inappropriate since the Applicant has narrowed the scope of his claims and said Examiner's original objections are now based on non-analogous art. Part of the current analogous art consists of the five references submitted by Applicant on 23 October 2001 which the Examiner referenced in this 20 December 2002 Office Action's quote: "The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure." Said five references are US5103756,

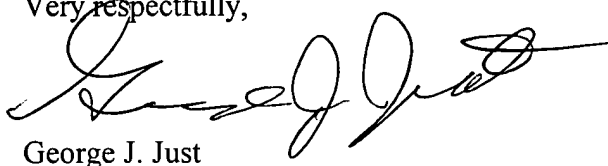
US4258493, US4255837, US2713844, and US2448611. All five of said references deal with bookmarks or magnetic clips. None of the listed prior inventions is constructed so they can be opened easily and easily held in an open hover position while the operator maneuvers the hovering magnetic bookmark to the exact spot to which he prefers to attach the opposing elements of the magnetic bookmark. The ability to manipulate the bookmark in such a manner is new, unexpected, superior, unsuggested in prior art, unusual and surprising. This ease of operation was never even recognized before or otherwise prior inventors would have incorporated a fulcrum and levers into their bookmark designs.

Applicant's invention is contrary to the teaching of the prior art because most prior art inventions were focusing mainly with ensuring that the magnetic device would be magnetically strong enough to adhere to the position it got placed in and avoid dislodgement. Applicant's invention is just as difficult to dislodge once it is gripping a sheet or sheets. Ease of operation was a low priority in prior inventions. With Applicant's invention it can now be seen that prior art inventors were unable to make the operation of their bookmarks easier and less time consuming or they would surely have done so. Applicant's invention shows much more concern for the ability of the operator to manipulate the bookmark during operation especially concerning the arthritic and other physically handicapped persons. Applicant's invention is also easier to remove from its current placement than prior art inventions.

### Conclusion

For all of the above reasons, Applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore Applicant submits that this application is now in condition for allowance, which action he respectfully solicits.

Very respectfully,



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### Other Enclosures:

1. Check Number 467 for \$97.00 to pay Surcharge of \$42.00 for the fourth Independent Claim, and \$55.00 to pay for one month lateness in filing of Amendment.
2. **Certificate of Mailing:** I certify that on the date below this document and referenced attachments, if any, will be deposited with the U.S. Postal Service as first class mail or as U.S. Postal Service

Express Mail in an envelope addressed to: "ASSISTANT COMMISSIONER FOR PATENTS, PO Box 1450, Alexandria, Virginia 22313-1450".

21-April-03

  
George J. Just, Applicant

3. **Fifteen actual bookmark models derived from Concepts taught in Claims of Application No. 09/982,455...plus...two commercially viable bookmark models related to various claims.**
- A. Informal paper flowchart which shows relationships of the 15 claims to each other.
  - B. Ferric Tin plate to hold each bookmark model in its logical flowchart place.
  - C. Magnetic anchoring plates to hold in place bookmark models which do not have an outside magnetic planar surface with adequate magnetic reach out capacity to adhere to tin plate.
  - D. Removable Scotch and masking tapes temporarily anchoring bookmarks in place on the flowchart during transit. The flowchart paper chart is protected by a permanently laminated vinyl layer and the copy on the bookmarks are protected by permanent Scotch tape.
  - E. A second unlaminated copy of the flowchart sheet is enclosed.

4. SELF ADDRESSED ACKNOWLEDGEMENT POST CARD.



RECEIVED

APR 29 2003

GROUP 3600

Actual Bookmark Models Derived From Concepts Taught  
In Claims Of Application No. 09/982,455...  
Plus...Two Commercially Viable Bookmark Models Included  
To Further Enhance Basic Understanding Of This Novel  
Bookmark...red markings on bookmarks indicate fulcrum  
invoking press points.

